



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo

Jerry Duncan
Sal Quintero
Daniel Ronquillo, Acting President

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, SEPTEMBER 18, 2001

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Roll Call

Invocation

Pledge of Allegiance to the Flag

Proclamation of "JEANETTE HARRIS DAY" - Acting President Ronquillo

Proclamation of "NATIONAL POLLUTION PREVENTION WEEK"

Resolution of Commendation to Police Officer Julian Vinton, Jr.

8:30 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Redevelopment Agency minutes of August 28, 2001

Action Taken:

- A. Consideration of a Program Final Environmental Impact Report (EIR) No. 2000-01, for the Convention Center Redevelopment Project Area - downtown prestige mixed use development; and a Mitigated Negative Declaration for Conditional Use Permit (CUP) No. C-01-145, relating to the development of a 400-room Wyndham Hotel located at the 800-808 "M" Street and a parking garage on the west side of "O" Street between Inyo and Ventura Streets behind the Convention Center complex, all within the Urban Renewal Plans for the Mariposa and Convention Center Redevelopment Project Areas *(Continue to 9/25/2001 @ 8:30 a.m.)*

Action Taken:

1. **RESOLUTION** - Certifying Program Final Environmental Impact Report (EIR) No. 2000-01, with attachments *(Council and Agency action)*
 - a. Statement and findings of potential adverse environmental effects and mitigation
 - b. Statement and findings of unavoidable adverse effects
 - c. Findings on project alternatives
 - d. Statement of overriding considerations that the project benefits outweigh the unavoidable adverse effects
 - e. Mitigation monitoring checklist

Action Taken:

2. **RESOLUTION** - Finding that the proposed Algen Project will not result in the generation of any significant adverse impact and resulting in adopting a Mitigated Negative Declaration for Conditional Use Permit (CUP) No. C-01-145 *(Council action)*

Action Taken:

- B. Consider the following actions relating to an Owner Participation Agreement for the development of property at the southwest corner of Fresno and "B" Streets, in the southwest Fresno General Neighborhood Renewal Project Redevelopment Area: *(Council and Agency action)*

Action Taken:

1. **RESOLUTION** - Selecting Stan Siroonian as Owner Participant, (b) waiving certain owner participation criteria, (c) making certain findings pursuant to Sections 33421.1 and 33445 of the Community Redevelopment Law, and (d) approving the Owner Participation Agreement with Stan Siroonian; and

Action Taken:

2. Authorize the Executive Director, or his designee, to execute the Owner Participation Agreement

Action Taken:

ADJOURN AGENCY

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve City Council minutes of August 28, and September 4, 2001

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:50 A.M. Appearance by David J. Howard to discuss the rezoning of a residential area located on and around the 5000 block of W. Magill Avenue

Action Taken:

10:00 A.M. HEARING to consider Rezoning Application No. R-01-027, and related environmental findings, filed by Tutelian Development Partners, for 21.64 acres of property located the southwest corner of N. Blackstone and W. Nees Avenues (*Council District 6*)

Action Taken:

a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-01-027

Action Taken:

b. **BILL** - Amending the conditions of zoning

Action Taken:

10:15 A.M. HEARING to consider adoption of a resolution approving the formation of Underground Utility District (UUD) No. FRE-77, property located at Peach Ave. between Clay Avenue and Lyell Avenue

Action Taken:

a. **RESOLUTION** - Approving the formation of Underground Utility District No. FRE-77, property located at Peach Avenue between Clay and Lyell Avenues

Action Taken:

10:30 AM HEARING to consider the adoption of a resolution to vacate N. Harrison Avenue between "H" Street and Belmont Avenue and an alley south of Belmont Avenue between Harrison Avenue and "H" Street

Action Taken:

a. **RESOLUTION** - Of intention to vacate N. Harrison Avenue between "H" Street and Belmont Avenue and an alley south of Belmont Avenue between Harrison Avenue and "H" Street

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 A.M. **CONTINUED HEARING** regarding the formation of Community Facilities District No. 5 (Foundry Park) (*Continue to October 2, 2001 @ 11:00 a.m.*)

Action Taken:

11:15 AM **HEARING** to consider Conditional Use Permit (CUP) Application No. C-01-058, and related environmental findings, filed by Bob Caire for Bill Everett, for 6.59 acres of property located at the southwest corner of N. Golden State Boulevard and W. Shaw Avenue, 4915 N. Golden State Boulevard (*Council District 2*)

Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. C-01-058, dated June 1, 2001

Action Taken:

- b. **RESOLUTION** - Approving Conditional Use Permit No. C-01-058

Action Taken:

11:30 A.M. JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

- A. **RESOLUTION** - Acceptance of a promissory note from the Fresno Joint Powers Financing Authority

Action Taken:

1. **RESOLUTION** - Approving promissory note to the City of Fresno

Action Taken:

- 2 **RESOLUTION** - Authorizing investment of monies in the Local Agency Investment Fund and approving promissory note to the City of Fresno from the Fresno Joint Powers Financing Authority

Action Taken:

ADJOURN AUTHORITY

2:00 P.M.#1 CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (c)

Significant Exposure of Litigation:

1. **Case Name:** Claim of Dominga Lopez Campos, et al.

Action Taken:

- B. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6

City Negotiator(s): Andrew T. Souza, Severo Esquivel and Jorge Aguiniga,

Employee Organization(s):

1. International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
2. International Brotherhood of Electrical Workers Local 100 (IBEW)

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M.#2 **CLOSED SESSION CONTINUED**

C. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** City of Fresno v. Public Utilities Commission
2. **Case Name:** City of Fresno v. City of Clovis, LAFCO, and County of Fresno
3. **Case Name:** Unspecified: one case (disclosure of title would adversely affect settlement negotiations)

Action Taken:

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Title: City Attorney

Action Taken:

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

1. **Property:** BNSF Depot Building, BNSF Freight Office (AMTRAK Station), and three parcels of BNSF land east of the BNSF tracks at Tulare Avenue
City Negotiators: Andrew T. Souza, Mark Williamson, Carl Kassabian, Darryl Balch and Robert English
Negotiating Parties: Burlington Northern and Santa Fe Railroad
Under Negotiation: Instructions to negotiators will concern both price and terms of payment
Action Taken:

2:00 P.M.#3

SPECIAL JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND REDEVELOPMENT AGENCY

F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

1. **Property:** Real property operated as Palm Lakes Golf Course (5008 E. Dakota Avenue)
City Negotiators: Dan Fitzpatrick, Executive Director of the Agency
Negotiating Parties: City of Fresno, Redevelopment Agency, and Peter Stravinski
Under Negotiation: Consideration and terms of Stravinski offer to convey alleged property interest to public entity
Action Taken:

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: Real property operated as Palm Lakes Golf Course (5008 E. Dakota Avenue)
City Negotiators: Carla Glazebrook, Mayor's Office and Ron Primavera, Director of Parks, Recreation and Community Services
Negotiating Parties: Len Ross, et al.
Under Negotiation: Request authorization to enter into negotiations for property adjacent to existing golf course
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:15 P.M. Report on consolidation of City services relating to street tree maintenance

Action Taken:

GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1A-1. DEPT. OF ADMINISTRATIVE SERVICES

- a.** Award a requirements contract for sodium fluoride - Purchasing Division

Action Taken:

- b.** Award a contract to furnish and install wellsite improvements at Pump Station 77 - Purchasing Division

Action Taken:

- c.** Disposal of surplus Bell and Howell mail inserter machine and sheet feeder - UB&C

Action Taken:

1A-2. CITY ATTORNEY

- a.** **RESOLUTION** - To set aside and void Conditional Use Permit No. C-99-149 relating to Fresno Memorial Auditorium, including any contracts or bids approved in furtherance thereof

Action Taken:

1A-3. CITY CLERK

1A-4. CITY COUNCIL/MAYOR'S OFFICE

- a.** Approve expenditure of \$17,100 of District 5's general fund 15% non-infrastructure to fund \$10,000 for Mosqueda Center Kids Day Festival, \$6,500 for "One By One Leadership," \$500 for Run to Read at Ayer School and \$100 for Sunnyside High School Boys Soccer Program - Councilmember Quintero

Action Taken:

- b.** Approve expenditure of \$500 of District 7's general fund 15% non-infrastructure to fund Punt, Pass and Kick at Fresno City College - Council President Perea

Action Taken:

1A-5. CITY MANAGER

1A-6. CONVENTION CENTER

GENERAL CONSENT CALENDAR CONTINUED

1A-7. DEVELOPMENT DEPARTMENT

1A-8. FIRE DEPARTMENT

1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION

- a. * **RESOLUTION** - 389th amendment to MFS Resolution No. 80-420 to decrease the community sanitation services fees

Action Taken:

1. * **RESOLUTION** - 17th amendment to AAR No. 2001-200 appropriating \$359,000 decrease of spending authority due to the rescission of the proposed community sanitation rate increase
(Requires 5 affirmative votes)

Action Taken:

1A-10 PARKS, RECREATION AND COMMUNITY SERVICES

- a. Approve an agreement between the City of Fresno and Tree Fresno for landscape maintenance services

Action Taken:

1A-11 POLICE DEPARTMENT

1A-12 PUBLIC UTILITIES DEPARTMENT

1A-13 PUBLIC WORKS DEPARTMENT

- a. Adopt Resolution of Intention No. 1024-D to vacate the E-Freeway 99 alley between Tulare and Kern Streets, and setting the public hearing for October 9, 2001 at 10:00 a.m.

Action Taken:

- b. Approval of the acquisition of an easement for street widening at 2320 E. Church Avenue

Action Taken:

- c. Approve acquisition of easements for the North Avenue trunk sewer project, Phase II

Action Taken:

- d. Approve a Professional Services Agreement with Mendoza & Associates for on-call construction inspection services for Public Works projects

Action Taken:

- e. **RESOLUTION** - Of intention to annex Tract No. 5030 to the City of Fresno Community Facilities District No. 2, Annexation No. 30, and setting the hearing for October 30, 2001 at 11:00 a.m.

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

1A-14 RETIREMENT OFFICE

1A-15 TRANSPORTATION DEPARTMENT

- a. Approve Airport Joint Use Agreement (“AJUA” or “Agreement”) between the City of Fresno and the United States of America and the State of California, for Fresno Yosemite International Airports (“Airport”)
Action Taken:
- b. Approve Amendment No. 1 to the Aviation Land Lease and Agreement and Amendment No. 1 to Airport Use Agreement between the City of Fresno and Aviation Classification Repair Activity Depot (AVCRAD)
Action Taken:

1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS

2. PLANNING AND ZONING ADMINISTRATION

- A. Approval of City allocation/2001 Fresno County Regional Housing Needs Allocation Plan
Action Taken:

3. GENERAL ADMINISTRATION

- A. **RESOLUTION** - Nominating certain census tracts the filing of an application with the United States Department of Housing and Urban Development for renewal community designation jointly with the City of Fresno and the State of California
Action Taken:

4. CITY ATTORNEY

5. CITY COUNCIL

- A. Appoint a Measure C Ad Hoc Committee - Council President Perea
Action Taken:
- B. **ITEM REMOVED FROM AGENDA**
- C. Direct City Manager to report to Council on feasibility of reducing the size of the solid waste recycle bin from 96 gallon to 64 gallon, for the elderly (blue bin). Same cost reduction as the garbage container (grey bin) - Councilmember Quintero
Action Taken:
- D. Discussion of Fresno Bee article entitled “Council funds languished” - Councilmember Boyajian
Action Taken:

6. CITY/COUNTY INTERGOVERNMENTAL RELATIONS

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Sept. 25 - 8:30 A.M. **JT MEETING WITH RDA - CONTINUED HEARING** - Certification of Final Environmental Impact Report (EIR) No. 2000-01, for the Convention Center Redevelopment Project Area (Approx. 1 hour)
- Sept. 25 - 10:00 A.M. **HEARING** re: CFD No. 2, Annexation No. 29
- Sept. 25 - 10:15 A.M. **HEARING** re: Resolution on construction of Herndon Avenue bicycle path
- Sept. 25 - 10:30 A.M. **HEARING** re: Resolution on RDA vs. James Barker
- Sept. 25 - 5:30 P.M. **HEARING** re: Text Amendment relating to auto sales
- Oct. 2 - 10:00 A.M. **HEARING** re: PA. No. A-01-010, Rezone Appl. No. R-01-013, filed by Thanh Cao
- Oct. 2 - 10:15 A.M. **HEARING** re: PA. No. A-01-18, R-01-24, filed by Seecon Partners
- Oct. 2 - 10:30 A.M. HUD Workshop (Housing)(1-2 hours) - Councilmember Boyajian
- Oct. 2 - 10:45 A.M. **HEARING** re: Rezone Appl. No. R-01-30, filed by Triple B Development
- Oct. 2 - 11:00 A.M. **CONTINUED HEARING** regarding the formation of Community Facilities District No. 5 (Foundry Park)
- Oct. 9 - 9:30 A.M. Presentation by the City of Clovis regarding Quad Design intersection
- Oct. 9 - 9:45 A.M. Appearance by Mark Keppler of the Coalition for Community Trails to request Council's support for the implementation of a master trail plan for the Fresno-Clovis metropolitan area
- Oct. 9 - 10:00 A.M. **HEARING** re: vacation of C-99 alley, between Tulare & Kern, RI 1024-D
- Oct. 9 - 3:00 P.M. Jt. Presentation by SJVA Pollution Control District and COG re: potential sanctions due to severe air quality
- Oct. 16 - 5:30 P.M. Adoption of Bill No. B-68 regarding to Text Amendment No. TA-00-02 relating to group housing facilities
- Oct. 23 - **NO MEETING**
- Oct. 30 - 10:00 A.M. Presentation of Employee Service Awards (*Reception immediately following, 2nd floor foyer*)
- Oct. 30 - 11:00 A.M. **HEARING** re: Annexation No. 30, Community Facilities District No. 2
- NOV. 13 **NO MEETING - VETERANS WEEK**

